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Commissioner

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 14 2006
at 10 o'clock and 35 min. AM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. 03-00657 SOM-BMK
)	
Plaintiff,)	
)	COMMISSIONER'S REPORT;
vs.)	DECLARATION OF
)	COMMISSIONER; EXHIBITS
WALTER AHUNA; FRANCINE U. K.)	"A" AND "B"; CERTIFICATE OF
AHUNA; MAUI COLLECTION)	SERVICE
SERVICE, INC.; DEPT. OF THE)	
ATTORNEY GENERAL, COLLECTIONS)	
UNIT, STATE OF HAWAII; REAL)	
PROPERTY TAX DIVISION,)	
DEPARTMENT OF FINANCE, COUNTY)	
OF MAUI,)	
)	
Defendants.)	
)	

COMMISSIONER'S REPORT

KYLE B. COFFMAN, your duly appointed Commissioner in the above-entitled case, hereby submits his Commissioner's Report as follows:

1. Your Commissioner was duly appointed by this Honorable Court to serve as Commissioner by the Findings of Fact, Conclusions of Law and Order Granting Motion for Summary Judgment and for Interlocutory Decree of Foreclosure and for Deficiency Judgment, filed herein on December 13, 2004. The subject property is located at 210 Maia Road, Hana, Hawaii 96713.

2. The property comprises 5.54 acres and contains a two bedroom, one bathroom cottage of 728 square feet and an elaborate lanai of 600 square feet. The cottage is old. The acreage was used as an orchard for various tropical fruits and flowers. Evidently, the orchard has been in disuse for years.

3. Pursuant to the aforesaid Order your Commissioner inspected the subject premises and set the public auction for Wednesday March 1, 2006 at 12:00 noon. With the permission of the U. S. Attorney's Office no open houses were scheduled, but people could view the property by appointment. Hana is an isolated community of the island of Maui: going to and from Hana to conduct an open house would take up at least a working day. In addition, your Commissioner caused to be published in the classified section of the Maui News a Notice of Foreclosure Sale. Said Notice was correctly published on January 22 and 29, 2006 and on February 5 and 12, 2006, with each date falling in a separate but successive week. Attached hereto and incorporated by reference as Exhibit "A" is a true and correct copy of an Affidavit of Publication containing said Notice of Foreclosure sale.

4. Scores of people called about the subject property. I arranged with the prior owner/occupant (who was very cooperative) to have an open house on February 18, 2006. About ten (10) parties attended the open house.

5. There were about seven (7) active bidders at the auction, and over a dozen more observing. Mr. Edwin Caraang entered the highest bid of SIX HUNDRED FIFTY THOUSAND DOLLARS and NO CENTS (\$650,000.00). Your Commissioner received cashier's checks totaling SIXTY FIVE THOUSAND

DOLLARS and NO CENTS (\$65,000.00) as a deposit from Mr. Caraang, and deposited said amount in his IOLTA Client Trust Account.

6. Your Commissioner thinks that the said sales price of \$650,000 for the subject property is fair and adequate. In fact, your Commissioner did not think the bidding would be that high. Several people have expressed an interest in attending the confirmation hearing. Your Commissioner is still receiving inquiries regarding the highest bid and the confirmation hearing date.

7. Your Commissioner has incurred expenses of \$588.00, is seeking a Commissioner's fee of \$2,956.50 and is attaching hereto his declaration and Exhibit "B" in support of his fees and costs. Your Commissioner requests that any reasonable additional fee amount, as supported by declaration, be approved.

WHEREFORE, your Commissioner prays as follows:

1. That this Honorable Court approve and accept Your Commissioner's Report;
2. That a hearing be held to confirm the highest bid at the public auction of the property located at 210 Maia Roan, Hana, Hawaii 96713 to the highest bidder, Mr. Edwin Caraang, for the sum of \$650,000, unless someone appears at said hearing and reopens the bidding at 5% higher;
3. That this Court allow your Commissioner reimbursement of expenses incurred in the sum of \$588.00 and fees of 2,956.50, and any reasonable and documented supplemental fees;
4. That upon your Commissioner conveying the subject property to the

party to whom the sale is confirmed, distributing the funds to those parties in the amounts and in the order of priority directed by this Court, and your Commissioner's filing being granted request for supplemental fees, if applicable, and, if not, upon his Final Report, attaching receipts of these amounts from these persons or parties who are entitled to receive such amounts, your Commissioner be discharged from any further responsibilities and liabilities thereof.

DATED: Wailuku, Hawaii, March 13, 2006.



KYLE B. COFFMAN
Commissioner